

Todd Becker – State Bar. No. 127567
Inna S. Demin – State Bar. No. 266737
BECKER LAW GROUP
3750 E. Anaheim Street, Suite 100
Long Beach, CA, 90804
Tel: (562) 495-1500
Fax: (562) 494-8904

Patrick McNicholas – State Bar No. 125868
David Angeloff – State Bar No. 272929
MCNICHOLAS & MCNICHOLAS, LLP
10866 Wilshire Blvd., Suite 1400
Los Angeles, CA 90024
Tel: (310) 474-1582
Fax: (310) 475-7871

Attorneys for Plaintiffs,
JUNAN CHEN, KELLY YAO WANG, CHANGSHUANG WANG,
JINSHUANG LIU, LICHU CHEN, and WENQUEI HONG

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JUNAN CHEN, KELLY YAO WANG,
CHANGSHUANG WANG, JINSHUANG LIU,
LICHU CHEN, and WENQUEI HONG,

Plaintiffs,

-vs.-

COUNTY OF SANTA BARBARA; SANTA
BARBARA COUNTY SHERIFF'S
DEPARTMENT; CAPRI APARTMENTS AT
ISLA VISTA; ASSET CAMPUS HOUSING;
and DOES 1 through 200, Inclusive,

Defendants.

Case No.: 2:15-CV-01509-JFW (JEMx)

**DECLARATION OF DAVID
ANGELOFF RE: PLAINTIFFS' MEET
AND CONFER WITH DEFENDANT
CAPRI RE MOTION TO DISMISS**

Complaint Filed: March 2, 2015

///

///

DECLARATION OF DAVID M. ANGELOFF

I, DAVID M ANGELOFF, declare as follows:

1. I am an attorney at law duly qualified to practice before the Courts of the State of California and before this Court and am a member of the firm of McNicholas & McNicholas, LLP, attorneys for Plaintiffs Junan Chen, Kelly Yao Wang, Changshuang Wang, Jinshuang Liu, Lichu Chen and Wenquei Hong ("Plaintiffs") in the above captioned matter. The facts stated herein are stated of my own personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. This "Declaration Re: Plaintiffs' Meet and Confer With Defendant Capri" is filed pursuant to and in compliance with this Court's Order dated May 28, 2015.

PLAINTIFF'S MEET AND CONFER WITH CAPRI

3. Counsel for Plaintiffs and Defendant Hi Desert Mobile Home Park LP ("Capri") met in person to meet and confer on June 4th, 2015, regarding the issues underlying Defendant Capri's Motion to Dismiss. Present at the meeting were Patrick McNicholas, lead counsel for Plaintiffs, Eugene Egan, lead counsel for Capri, David Angeloff, counsel for Plaintiffs, and Abel Nair, counsel for Plaintiffs. The meeting lasted approximately one hour and ten minutes. The parties present had a global discussion of several issues including discovery, mediation, and points of law and fact. The parties spent approximately forty minutes specifically discussing issues related to Defendant Capri's Motion to Dismiss.

ISSUES RESOLVED AT THE CONFERENCE

4. The parties are in agreement that, when one tenant of a commercial apartment building criminally assaults another, there is a threshold duty issue.

///

///

1 ISSUES NOT RESOLVED AT THE CONFERENCE

2 5. Plaintiffs' analysis is that they have properly pled facts giving rise to a duty on the part
3 of Capri, including that, because Capri affirmatively paired the decedents together as roommates
4 with Elliot Rodger ("Rodger") a special relationship was created, giving rise to a duty, and, Capri
5 was specifically informed by a former tenant that Rodger was mentally ill and posed a "threat" of
6 violence, giving Capri actual knowledge that Rodger posed a danger to his roommates. Defendant
7 Capri disagrees with this analysis.
8

9 6. Defendant Capri's analysis, in Plaintiffs' understanding, is that the facts, as pled by
10 Plaintiffs, did not give rise to a duty which extended to decedents, including that, the letter given to
11 Capri by the former roommate did not give Capri actual knowledge that Elliot Rodger posed a
12 threat of violence. Plaintiffs disagree with Defendant Capri's analysis.
13

14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct. Executed this June 5, 2015 at Los Angeles, California.
16
17

18 Dated: June 5, 2015.

McNICHOLAS & McNICHOLAS, LLP

19 BECKER LAW GROUP
20

21 By: /s/ David Angeloff
22 Patrick McNicholas
23 David Angeloff
24 Attorneys for Plaintiffs,
25 JUNAN CHEN, KELLY YAO WANG,
26 CHANGSHUANG WANG, JINSHUANG
27 LIU, LICHU CHEN, and WENQUEI HONG
28